PRINTER'S NO. 880

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 758 Session of 2007

INTRODUCED BY SAYLOR, GEIST, MANN, CALTAGIRONE, COX, CREIGHTON, FRANKEL, FREEMAN, GILLESPIE, GINGRICH, HENNESSEY, JAMES, M. KELLER, KOTIK, McGEEHAN, R. MILLER, MYERS, NAILOR, PYLE, SCAVELLO, SIPTROTH AND YOUNGBLOOD, MARCH 19, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 19, 2007

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for securing loads in vehicles; and providing requirements for transporting loose material.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4903 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4903. Securing loads in vehicles.

(a) General rule.--No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping.

(b) Fastening load.--Every load on a vehicle shall be fastened so as to prevent the load or covering from becoming loose, detached or in any manner a hazard to other users of the highway.

(c) Load of logs.--

(1) Every load of logs on a vehicle shall be securely fastened with binders, chains or straps and, in the case of an open-body or stake-body vehicle, trailer or semitrailer there shall be a sufficient number of vertical metal stakes or posts securely attached on each side of the vehicle, trailer or semitrailer at least as high as the top of the load to secure such load in the event of a failure of the binders, chains or straps.

(2) A load of logs which are greater than six feet in length must be secured by three binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(3) A load of logs which are six feet or less in length must be secured by two binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(4) A tiered combination which includes logs which are greater than six feet and logs which are six feet or less shall be governed by paragraph (2).

(c.1) Load of loose garbage.--Every load of loose, nonbaled garbage, waste, refuse or rubbish being transported through or within this Commonwealth shall be transported in a vehicle with four solid sides and with a cover or top of a type to prevent any of the load from escaping. The cover or top shall remain tightly in place going to a disposal site. The load shall be no higher than the solid sides of the vehicle. It is imperative that all garbage, waste, refuse or rubbish be removed from the vehicle at the disposal site to prevent any scattering of litter

on the highway during the return trip. No truck, trailer or semitrailer with an open body or stake body shall be used for such purposes. This subsection shall not apply to vehicles engaged in the systematic collection of garbage or refuse and which are designed to be open in the rear for the loading of garbage or refuse.

(c.2) Load of baled garbage.--Garbage, waste, refuse or rubbish in a tightly compacted and baled form being transported through or within this Commonwealth shall be securely fastened to the vehicle and covered over all exposed areas with a canvas cover or cover of a comparable type which shall be securely attached to the underside of all sides of the truck, trailer or semitrailer to prevent any of the material from the bales from escaping. No part of any bale shall be uncovered, except for inspection, at any time during transportation within or through this Commonwealth until arrival at the disposal site.

(c.3) Removal of debris.--The owner of a vehicle from which dirt, debris or an agricultural product has fallen on any highway is responsible for removing that dirt, debris or agricultural product within a reasonable time.

(d) Establishment of standards for fastening devices.--The department may promulgate regulations establishing minimum standards governing types and numbers of devices to be used in securing loads to prevent spillage and leakage of a load while in transit.

(e) Exceptions.--This section does not prohibit:

(1) [the necessary spreading of any substance in highway maintenance or construction operations; or] dropping sand, abrasives, chemicals or other materials to improve traction;

(1.1) spreading water or other substance to construct,

clean or maintain a highway; or

(2) [the] shedding or dropping [of] feathers or other matter from vehicles hauling live or slaughtered birds or animals.

(f) Penalty for violation of subsection (a), (b) or (c).--A person who owns or who operates a vehicle in violation of subsection (a), (b) or (c) and, as a result of the violation, any item, piece, fragment or part of the load escapes and causes injury to a person or damage to another vehicle or other property commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than [$300] $500 nor more than [$1,000] $3,000. A violation of subsection (a), (b) or (c) which does not result in injury to a person or damage to another vehicle or other property constitutes a summary offense, punishable by a fine of not less than $100 nor more than $300.

(g) Penalty for violation of subsection (c.1) or (c.2).--A person who owns or who operates a vehicle in violation of subsection (c.1) or (c.2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than [$300] $500 nor more than [$1,000] $3,000. Notwithstanding the provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.), disposition of any fine collected for a violation of subsection (c.1) or (c.2) shall be as follows:

(1) Unless paragraph (2) applies, the fine collected shall be paid to the Commonwealth for deposit into the Motor License Fund.

(2) If the county where the offense was committed has a litter control program approved by the department, 50% of the

fine collected shall be paid to the county for expenditure in the approved litter control program; and 50% of the fine collected shall be paid to the Commonwealth for deposit into the Motor License Fund.

Section 2. Title 75 is amended by adding a section to read:

§ 4903.1. Loose material.

(a) Carrying loose material.--A person may not, in violation of this section, carry any loose material in any vehicle on or across any highway in this Commonwealth.

(b) Loading loose material.--A person may not, in violation of this section, load any loose material for carrying in any vehicle on or across any highway in this Commonwealth.

(c) Enclosures generally.--

(1) Subject to the provisions of subsection (d), the bed of the vehicle carrying a load of loose material shall be fully enclosed:

(i) On both sides, by sideboards or sidepanels.

(ii) On the front, by a board or panel or by the cab of the vehicle.

(iii) On the rear, by a tailgate, board or panel.

(2) (i) The enclosures required by paragraph (1) shall be constructed so as to prevent any part of the load from blowing, falling or spilling out of the vehicle.

(ii) No part of the load touching any of these enclosures may be within six inches of the top of the part of the enclosure that it touches, unless the load is covered with a firmly secured canvas or similar type covering.

(iii) If the vehicle manufacturer's original design specifications for bed enclosures have been altered to

increase the vehicle's load capacity, no part of the load touching any of these enclosures may be within six inches of the top of the part of the enclosure that it touches, and the highest point of the load may not be higher than any of these enclosures, unless the load is covered with a canvas or other type cover approved by the department that is secured as provided in subsection (d).

(3) This subsection does not apply to:

(i) any load-carrying vehicle with a compartment that fully encloses the load; or

(ii) a vehicle in which the load is suitably covered or secured by other means that prevent the escape of the loose material.

(d) Canvas enclosures.--

(1) A vehicle carrying a load of loose material shall have its bed fully enclosed on the top by a canvas or other type cover approved by the department if required under subsection (c).

(2) Any cover required under this section shall be secured in a manner to prevent:

(i) Any part of the load from blowing, falling or spilling out of the vehicle.

(ii) The cover from blowing off the vehicle.

(e) Removal of spillage; securing tailgate; maintenance of bed.--

(1) This subsection does not apply to any construction vehicle or mining equipment that:

(i) is moving between construction barricades on a public works project; or

(ii) only is crossing a highway.

(2) A vehicle used for carrying loose material may not be operated on any highway unless:

(i) All spillage from loading loose material is removed from the nonload-carrying parts of the vehicle.

(ii) Whether the vehicle is loaded or empty, the tailgate is closed securely to prevent spillage of a load or of any residue.

(iii) The bed does not have any holes, cracks or openings through which loose material can escape.

(iv) After unloading loose material, all residue is removed from the nonload-carrying parts of the vehicle.

(f) Definition.--As used in this section, the term "loose material" includes:

(1) Dirt, sand, gravel, wood chips or other material that can blow, fall or spill from a vehicle as a result of movement or of exposure to air, wind or weather.

(2) Any other kind of material that can blow, fall or spill as specified in rules and regulations adopted by the department. The term does not include agricultural products, including sod, in their natural state.

Section 3. This act shall take effect in 60 days.